

APPROVED: Meeting No. 25-97

ATTEST: *Paula J. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 09-97

February 24, 1997

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 10, 1997, at 7:34 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Robert J. Wright

Councilmember Glennon J. Harrison

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Mayor Krasnow commented on the City's Visioning Fair which took place over the weekend. She said it was very rewarding to see so many people attend the event on both days. A lot of positive feedback was received and the written comments will be incorporated into the next step of the Visioning Process. Mayor Krasnow thanked staff for coordinating the Fair, and she expressed appreciation to the citizens who took time from their busy weekend schedules to participate.

Re: City Manager's Report

1. Adding to the Mayor's comments about the February 22-23 Visioning Fair, Mr. Kuckkahn said that over 200 participants had an opportunity to review and comment on 14 visioning points which will be published in a report that Search Conference

participants will review prior to an Action Conference on March 14-15. The next big event for the general public will be an Action Fair on April 12-13, where citizens will be able to volunteer for action teams that will make the shared vision a reality.

2. Staff is continuing to work on the pump-around options for the Watts Branch sewer line. At this time, no specific option has been selected; however, pump-around options include a possibility of construction in or near some of the community's roadways. It is possible that two lanes of traffic will be able to be maintained without interruption. There is also a possibility that the sewer line could be placed out of the road surface in order to minimize the amount of time that roads are impacted by the construction. Residents are encouraged to analyze recent detailed reports and maps showing the alternatives and to offer their reactions to the pump around alternatives.

3. Rockville's Police Department noticed that a series of burglaries and attempted burglaries have been taking place on the east side of Rockville, including the Twinbrook area. The Community Oriented Policing Program immediately met with neighborhood watch groups to address security issues and coordinate policing efforts with other agencies. Several arrests in connection with the burglaries have been made, and there has been a reduction in criminal activity. Residents are asked to continue to remain diligent so that the community can work together to keep neighborhoods safe. Residents are encouraged to contact the Police Department's Community Service Officer with information about crimes and public safety issues.

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4. The City's water bill stuffer, "The Meter Reader" has a new look. The recent stuffer includes announcements about City summer camps, the Service Request System and an events calendar.

5. As a result of the exposure received on Cable 53 about the City's REACH Program, there has been an unprecedented increase in the number of applications for the first-time home-buyers program. The successful promotion of the program proved that the City's cable channel does reach a large number of residents.

6. The Mayor and Council's first Walking Town Meeting is scheduled for Saturday, March 22 at the Pump House in Croyden Park. Future meetings are planned for Woodmont Spring Condominiums and Village Green Condominiums on April 19; the Burgundy Knolls neighborhood on May 3; and the Lynfield neighborhood on June 7.

7. The City is holding an Open House on March 8 to obtain additional citizen feedback on plans for the proposed Twinbrook Recreation Center.

8. The 1997 surveys for the Gypsy Moth suppression program have been completed. Although the egg masses are healthy and large, no aerial spraying will be required for 1997. The City will continue its suppression program by providing sticky tape and burlap to residents to use in their trees, informing residents how to control the pests, monitoring the gypsy moth population, and releasing gypsy moth parasite insects in selected locations. Burlap and tape will be distributed free of charge to residents, on a first-come, first-served basis on March 22, from 10 am to 1:00 pm at City Hall.

9. The City has once again received the Distinguished Budget Presentation Award from the Government Finance Officers Association. This is the highest form of recognition in government budgeting and attaining it represents a significant achievement by our organization. Mr. Kuckkahn expressed appreciation to the Budget Division and Finance Department for their continued excellence in the preparation and execution of the budget process.

10. In its ongoing support of the arts, the City invites interested artists to submit an application for the 1997 Artist-in-Residence Program. For more information, contact the Arts Program Supervisor Betty Wisda at (301) 309-3357.

11. Standards and Poors informed us that the City's double A+ rating was confirmed with an intermediate to long-term outlook of stability. The rationale for the rating cited the City's commitment to utilizing general fund balances for financing capital improvements, a deep and diversified economic base anchored by employment opportunities, government communications and technology sectors, a broad tax base with taxpayers comprising slightly over 12% of Rockville's total assessed value, high wealth, income indicators specified by median household effective buying income levels of 30-56% above the State, and national averages and high per-capita market values for taxable property. One of the factors included a high per capita debt of \$2,275 which was offset by high wealth, quicker than average debt roll-off and no immediate capital improvements to be financed through debt. Mr. Kuckkahn said that the outlook reflected a strong

diversified tax-base and solid financial position that provided the City with a cushion in the event of an economic downturn.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Penny Skurupa, 13712 Willow Tree Drive spoke about the proposed construction of a cellular monopole on City property at Glen Mill Road. Representing the Willows Of Potomac Homeowners Association, Ms. Skurupa urged the Mayor and Council to vote against the monopole. She said that the proposed site required a special exception to the City's newly enacted ordinance concerning the setback for this type of structure. She also said that the residents in her association were not City of Rockville residents; however, the tower would be in their backyards and would significantly impact other City residents by lowering the aesthetics of the community and property values.

2. Joseph Bradley, Resident asked for the City's support in addressing the problem of panhandlers at the Rockville Metro Station. Mr. Bradley said that he noticed a core group of panhandlers loitering at the outside perimeter of the tunnel areas, and he suggested that the problem was the result of area homeless shelters. He explained that a MARC Station Passenger Agent and a Metro Station Attendant both suggested that placement of additional television cameras on the outside complex of the tunnel area would help. There is a regulation prohibiting persons from loitering within 50 feet of the Metro complex and the Station Attendant believed additional cameras would allow station

attendants to see the offenders who refused to move on after being told to, and then the City Police could be called. Mayor Krasnow said that the Mayor and Council would take up the issue during "New Business." (City Clerk's Note: See page 15 & 16).

3. Stan Klein, Alliance for Rockville Citizens (ARC) Executive Board spoke regarding Agenda Item #7 (Discussion and Instructions to Staff regarding the creation of an Economic Development Corporation for Rockville). Mr. Klein said that in January, the Executive Board met with the Economic Development Steering Committee to discuss their report. The Board developed a number of ideas and would like to share them before final action was taken to form a corporation. Mayor Krasnow said that ARC's input would be welcome and she encouraged Mr. Klein to submit ARC's comments to the Steering Committee.

Re: Approval of Minutes

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Minutes of Meeting No. 42-96 (November 25, 1996) were approved as amended.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 42A-96 (November 26, 1996) were approved as written.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 43-96 (December 2, 1996) were approved as written.

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Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 44-96 (December 16, 1996) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested removal of Consent Agenda Item D.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (A) Award of Contract
To: National Chamber Orchestra
Of: Rockville, Maryland
In the amount of: \$28,000

For: Providing Sunday evening
entertainment at Hometown Holidays.
- (B) Award of Bid #62-97
To: Maddox Engineering and
Surveying Services
Of: Rockville, Maryland
In the amount of: \$30,999.00

For: Requirements Contract for
Surveying Services
- (C) Award of Bid #63-97
To: Bell Nursery
Of: Burtonsville, MD
In the amount of: \$16,498.83

For: Flowering Annuals

Re: Item (D) - Acceptance of Application for Text Amendment TXT97-0158, Joseph Lynott, Esq. for Washington Real Estate Investment Trust, Applicant.

To modify the parking requirements in the TCM-2 to base parking requirements on uses occupying more than 75% of the building.

Councilmember Marrinan suggested that the Mayor and Council look at the proposed Text Amendment in a more comprehensive manner regarding the issue of parking in the TCM-2 Zone. Councilmember Wright agreed and said that he was concerned about an additional parking reduction when the parking requirement was already reduced for lots located in the Town Center, next to the Metro station. Mr. Wright said that based on the proposed Text Amendment, the calculation for required parking would be modified so that if any single use occupied more than 75% of the building, the parking calculation for the entire square footage of the building, regardless of use, would be based on the majority use. Mr. Wright asked what was the significance of the calculation and said that he would like to see how the 75% figure was established.

Councilmember Dorsey said that he was uncomfortable with the delicate parking situation that already existed in the area as a result of the County offices and Court buildings located there. He said that the Mayor and Council needed to understand what contributions the County and the Court systems made to the parking problems and solutions.

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Mr. Kuckkahn explained that by accepting the Text Amendment, the Mayor and Council were acknowledging that there was merit into looking at the proposal in more detail. Mr. Kuckkahn said that Community Development Director Neal Herst would note the Mayor and Council's issues and pass these on to the Planning Commission. City Attorney Glasgow confirmed that the Mayor and Council were free to accept the Text Amendment Application and express their sentiment that the Planning Commission undertake a more comprehensive review of the TCM-2 Zone.

Mayor Krasnow said that she would like a better idea of which properties in the City would fall in the TCM-2 Zone, as opposed to the regular TCM Zone.

Councilmember Harrison said that he agreed with Councilmember Wright's concerns about the overlapping parking issues--the 40% reduction had already been granted to some of the Town Center parking lots, and the desire for additional parking reductions based on time of day, usage and other patterns may or may not actually work. He said that the Mayor and Council should take a careful look at what the implications of the reduction were, so that the City doesn't end up with a downtown that had no parking anywhere, at anytime. Mayor Krasnow noted that the Applicant, Washington Real Estate Trust (WRIT), had not been using their entire 200 spaces and there seemed to be some justification for their request. She asked if specific scenarios could be developed--e.g., what if there was more than a 75% use other than the office, and what were some of the potential outcomes.

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Councilmember Wright said it would be helpful to have some options as to whether there was another way to address the issue, other than a text amendment.

Mr. Glasgow suggested that the City inform RCI of the Mayor and Council's desire to look at the issue comprehensively so that the RCI and WRIT proposals were both considered at the same time. The Mayor and Council accepted Text Amendment TXT97-0158, with the points made above.

Re: Adoption of Resolution to create
a Human Services Advisory
Commission.

Resolution No. 3-97

Mr. Kuckkahn explained that the draft Resolution reflected the subcommittee's recommendations which addressed the Mayor and Council's comments at the January 27th General Session.

Rusty Wallace, Chairman of the Task Force, explained that one of the Mayor and Council's concerns was that the Chairperson of the Commission be a Rockville resident. The Chair should also be someone who did not have a potential financial interest in any of the decisions. This potential existed with the Caregivers Coalition; however, the Task Force wanted to remove any problem with the caregiver representative having to live in Rockville as long as the agency the caregiver represented was involved in serving Rockville residents.

Regarding the election of a chairperson, Councilmember Harrison stated

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that his preference was that the Mayor appoint, with the Council's confirmation, a chairperson from among members representing the community at-large. Mr. Harrison said that he was concerned that if someone did have a strong relationship with one of the caregivers, they may not be in a position at that point in time, to chair the commission. Without objection, the Mayor and Council amended the fourth Resolve Clause so that the Mayor appoints a Chairperson, with the Council's confirmation, from among those members representing the community at-large, and those members who have and/or are receiving human services.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Resolution to create a Human Services Advisory Commission was adopted. A copy of the full text of Resolution 3-97 may be found in Resolution Book No. 11.

Mayor Krasnow, on behalf of the Mayor and Council, thanked Mr. Wallace and the members of the Task Force and said that they looked forward to working with the new Commission.

Re: Discussion and Instructions to
Staff regarding the creation of an
Economic Development
Corporation for Rockville.

On January 13, 1997, the Economic Development Steering Committee presented its recommendations for the creation and composition of an Economic Development Corporation. Since the Steering Committee's report was presented, additional efforts were made to solicit comments from the community. Mayor Krasnow

recognized Richard Stoner and a number of other members of the Steering Committee who were present in the audience.

Councilmember Harrison commented that the report was very well done and he agreed with much of it. He said that he preferred that members of the Corporation's Board be required to reside or work within the City's corporate limits. Regarding representation, Mr. Harrison said that in the proposal, it appeared that the Task Force established a goal that it will achieve a perfect balance among the businesses in Rockville. Mr. Harrison said he felt that it was the Chamber of Commerce's function to have a broad representation of all businesses in the community. The Corporation's main focus should be the retention and attraction of new businesses in the communications and technology areas. Mr. Harrison said that Peerless Rockville's suggestion that the corporation also have "heritage chores," also should be considered. He commented that he would like to see more residents as members of the corporation and he felt said that the Mayor should appoint the first board, with Council approval. Mr. Harrison also said that he would like to ensure that City taxpayers would not be paying to have an economic development corporation lobbying the City to change zoning or other laws.

Mayor Krasnow said that she disagreed with Mr. Harrison's last point because if the corporation was established correctly, they were sure to be cognizant of the needs of business as well as residents. She said that if the corporation saw an issue they felt would hinder business development in the City, they had a right to bring it to the

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Mayor and Council's attention. Mr. Harrison said that his concern was that businesses already had the Chamber of Commerce and other means of lobbying for change. He said that the Chamber could use their own membership dollars to lobby, as opposed to the corporation which would use tax payer dollars.

Councilmember Marrinan said that the issue should focus on the definition of "lobbying." He said that the corporation's use of tax payer dollars to formally lobby did appear to be an inherent conflict. He suggested that the Mayor and Council may want to restrict the corporation's initiation of text amendments.

Mayor Krasnow asked that staff obtain examples of how other jurisdictions that formed similar corporations dealt with the issue. She also suggested that the Mayor and Council specify that the Board consist of a broader group of Rockville residents, e.g., two of the twenty board members to be involved in the City, but not necessarily work or live in Rockville. Regarding the makeup of the Board, Mayor Krasnow also said that the Steering Committee needed to address the issue of how many representatives were needed from each area of business.

Councilmember Dorsey asked about ongoing financial support and he inquired how the corporation intended to survive financially once the City decreased or eliminated its financial support.

Councilmember Marrinan commented on two letters sent from the Sierra Club and Peerless Rockville with suggestions about the corporation's role in cultural

activities and in the area of historic preservation. He said that the corporation may want to identify additional types of community-residential/board relationships, and he suggested that the Mayor and Council may have to expand the size of the board in order to get adequate residential involvement. Mayor Krasnow said she hoped the board would not have to be expanded, however, efforts could be focused on creating a balance between residents and business.

In summary, staff was directed to:

- Define the issue of lobbying and spell out the types of lobbying activities the board can or can not engage in. (Mr. Glasgow noted that the corporation was structured as a tax exempt organization, which he said prohibited from being involved in lobbying initiatives).
- Draft the bylaws and charter for the organization and begin work on achieving tax exempt status.
- Define how the corporation will go about obtaining funding support, independent of the City.

Mayor Krasnow said that the Mayor and Council would wait to hear from the Task Force on the issues raised; however, it was their intention to have the corporation established by July 1, 1997.

Re: Correspondence

1. Councilmember Harrison asked that staff provide the Mayor and Council

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with a better understanding of the moratorium issues for the 5-acre tract of land proposed for annexation by Eastern Diversified Properties. He said that there was no County imposed moratorium if the property was developed in the County. However, if the property was developed in the City, where there was also no moratorium, the County could consider there to be a moratorium. He also noted a letter from Bill Hussman, Chairman of the Maryland National Capital Park and Planning Commission recommending the annexation. He asked if staff was prepared to bring back a revised annexation petition so that the Mayor and Council could better understand what the issues were. Neal Herst, Director of Community Development said that staff was prepared to bring forth a report on the annexation issues; however, there was more to the annexation that they were not prepared to address. The developer was working on an annexation agreement to address a variety of issues. Mayor Krasnow said that it would be helpful if the Mayor and Council had, at the time an annexation petition was submitted, information as to whether staff viewed each petition as a small annexation not needing a governing annexation agreement, or if there were issues that the Mayor and Council should be aware of.

2. Councilmember Wright commented on the new format of the City's Cable channel which he said was more pleasing and attractive. He also noted that the Mayor and Council's meeting agendas were now broadcast on the Cable bulletin board.

Re: New Business

1. Problems at Metro Station - Councilmember Dorsey noted Mr. Bradley's

comments during Citizens Forum and he asked that the Mayor and Council support the idea of getting additional surveillance cameras at the Metro station. The Mayor and Council agreed that safety, in general, at the Metro station was the larger issue; however they also wanted to know why there seemed to be an increase in panhandlers. Staff was directed to send a letter to WMATA supporting the idea of additional cameras. Mayor Krasnow also said that if the panhandlers were, as Mr. Bradley suggested, area shelter residents, the Mayor and Council should direct the newly formed Human Services Advisory Commission to look into the matter as a human services issue.

Councilmember Harrison noted that the issue was also discussed at a Lincoln Park Civic Association and an Americana Centre committee meeting. Residents felt that the general climate at the station had deteriorated a suggestion was made that the Rockville Police coordinate community policing efforts with the Metropolitan Transit Police. Mr. Kuckkahn said that the Police Department was aware of the problem and efforts in this area could be expanded to include the Town Center.

2. Mayor Krasnow said that several years ago, the County put Rockville into the County's fire tax district which resulted in no increase in services although City residents had to pay more taxes. She said that the County was now attempting a similar measure. With respect to parks residents within a municipality did not pay for the maintenance of regional parks (e.g., Cabin John and Wheaton), since the County proposed taxing City residents for this use. The City wrote the County to state its opposition to the

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proposal. There City feels that there are more people from the County who use City parks than Rockville residents who used County parks. Mayor Krasnow said that Rockville residents should be aware that the County was making such a proposal without having based their findings on any solid data showing the actual usage at City and County parks. The Mayor encouraged Rockville residents to contact the County Council about the matter.

Re: Adjourn to Worksession to
Discuss the Fiscal Year 1998
Budget Outlook.

Mr. Kuckkahn explained that the senior staff have worked together on the preliminary budget, and in preparing the departmental budgets for Fiscal Year 1998, each director was given a revenue target number to meet. Supplemental budget requests were prepared by each department and senior staff members worked together to prioritize each supplemental request. Mr. Kuckkahn then gave an overview of the proposed FY98 budget:

- The FY98 projected operating budget is \$32,056,536, and in FY98, the City is not assuming any revenue stream from the development of the King Farm.
- FY98 expenditures included the payoff to the State for the City's pension plan. Paying the \$1,800,000 owed on this debt issuance will save the City approximately \$2 million dollars.

- The Reserves Fund Balance will be spent down in order to maintain it at 7.2 percent. Mr. Kuckkahn said that previous efforts to draw down the reserves were not as successful because of the amount of money the City spent and the amount of revenues received.

Mr. Kuckkahn explained his recommendations for FY98 budget rates as follows:

- Maintain the tax rate at \$0.82 per \$100 of assessed value
- Decrease the refuse rate by \$1.00 (from \$21.00 in FY97)
- Maintain the water rate at \$1.48 per 1,000 gallons
- Increase sewer rate by \$0.15 per 1,000 gallons (from \$2.79 in FY97 to \$2.94)

The increase in the sewer rate is a result of EPA requirements and other new developments taking place over the next couple of years, e.g., Town Center development.

Mr. Kuckkahn noted that personnel would increase in the following areas:

- (a) Police - As a result of the Federal grant the City is expected to receive four additional officers. These positions and the purchase of any one-time capital expenses related to the new positions, will be budgeted for in FY98 because staff is not assuming that the Federal grant will be available in future years.
- (b) Fire Inspector - This position is needed to provide a centralized unit for all fire and building inspection activities. Staff was asked to find out how the

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City of Gaithersburg is doing with this initiative.

- (c) Microcomputer Specialist - A third microcomputer specialist is needed in the Data Processing Division. Staff invited input from Councilmembers Dorsey and Harrison on how a "Webmaster" position should be developed.

Mr. Kuckkahn pointed out that a number of capital expenditures were needed in the following areas:

- The City's cable camera equipment is very outdated. There is approximately \$150,000 - 200,000 dollars worth of outdated equipment.
- The Police Department dispatch equipment is outdated and will need to be replaced in the next couple of years.
- The streets that have been smoothsealed will now need to be milled. One-half inch of smooth seal previously lifted can not be lifted any further because of the manhole covers. The milling operation will cost approximately \$500,000 dollars.
- Once development of the King Farm is underway, additional positions will be needed (e.g., inspectors and recreation staff).

The Mayor and Council asked for an analysis of the excess in the reserve fund balance and why it continued to occur.

Re: Adjournment to Executive
Session

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, with Mayor Krasnow and Councilmembers Dorsey, Harrison, Marrinan, and

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Wright voting "aye," the Mayor and Council adjourned to Executive Session at 9:57 p.m. pursuant to Section 10-508(a)(7) and (a)(1)(ii) of the State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice and to discuss a personnel matter.